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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,990	07/02/2001	Michael John Bader	2001B053	1190
23455	7590	08/19/2004	EXAMINER	
EXXONMOBIL CHEMICAL COMPANY			JACKSON, MONIQUE R	
P O BOX 2149			ART UNIT	
BAYTOWN, TX 77522-2149			PAPER NUMBER	
			1773	
DATE MAILED: 08/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/896,990	Applicant(s) BADER ET AL.	
	Examiner Monique R Jackson	Art Unit 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-27 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-27 and 29-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 8/1/04 has been entered. Claim 28 has been canceled. New claims 34-35 have been added. Claims 15-27 and 29-35 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections/Rejections

3. Applicant's arguments, filed 8/1/04, with respect to the previously recited claim objections and claim rejections under 35 U.S.C. 112 have been fully considered and are persuasive. The objections and rejections as recited in paragraphs 3-6 of the prior office action have been withdrawn. The Examiner further notes that paragraph 7 of the prior office action contained a typographical error and should have recited Claims 15-33 not 15-31 as is evident from the content of the rejection.

Claim Rejections - 35 USC § 103

4. Claims 15-27 and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bader et al (USN 5,753,363) in view of Nagai et al for the reasons generally recited in the prior office action and restated below.

Bader et al teach a biaxially oriented, heat sealable metallizable multilayer film comprising an isotactic polypropylene core (b); an olefin external surface layer (a) comprising EPB; a metallizable skin layer (c) preferably comprising HDPE; a metal layer preferably aluminum deposited on the metallizable skin layer (c); wherein the core layer comprises 70-95% of the thickness of the film and each skin layer, for example, comprises 6% of the thickness; and wherein skin layer (a) and/or (c) can comprise additional antiblock particles other than the crosslinked polysiloxane particles wherein a

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major proportion of these particles will be of such a size that a significant portion of their surface area will extend beyond the exposed surface of such skin layer (Abstract; Col. 2, lines 31-62; Col. 3, lines 20-22 and lines 38-60; Col. 4, lines 43-67; Col. 5, lines 1-12 and lines 16-28; Col. 6, lines 14-26; Examples.)

Bader et al do not specifically teach the size of the antiblock or PMMA particles or the thickness of the layers as instantly claimed, however, it is well known in the art that layer thickness is a result-effective variable affecting the mechanical and sealing properties of the resulting multilayer film and hence one having ordinary skill in the art at the time of the invention would have been motivated to utilize routine experimentation to determine the optimum layer thickness for a particular end use. Further, with regards to the PMMA antiblocking particles, Nagai et al teach that crosslinked PMMA particles in an amount of 0.05 to 0.5 wt% and having a particle size of 0.5 to 4 μ m being selected in a range of 0.7 to 2 times the thickness of a polyolefin surface layer of a biaxially oriented polypropylene film provides anti-scratching properties, lubrication and anti-blocking properties to the film. Therefore, one having ordinary skill in the art at the time of the invention would have been motivated to utilize PMMA particles having a particle size up to 2 times the thickness of the surface layer as taught by Nagai et al in the invention taught by Bader et al, utilizing routine experimentation to determine the optimum particle size and amount to provide the desired antiblocking properties for a particular end use.

Response to Arguments

5. Applicant's arguments filed 8/1/04 with respect to the rejection over Bader et al have been fully considered but they are not persuasive. The Applicant argues that the Bader et al reference is disqualified under 103(c) as a section 102(e) prior art reference in

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the 103(a) rejection considering the reference and the instant invention were commonly owned and assigned at the time of the instant invention. However, the Examiner notes that the Bader et al patent, with an issue date of 5/19/98, which is more than one year prior to the filing date of the instant application, has been utilized in the 103(a) rejection as a 102(b) prior art reference and hence Applicant's statement of common ownership does not overcome the rejection.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 571-272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson
Primary Examiner
Technology Center 1700
August 11, 2004